

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

UNITED STATES OF AMERICA	)	Case No. 1:23-cr-00040
	)	
v.	)	Judge Atchley
	)	
AMBER REANN SMITH	)	Magistrate Judge Steger

**ORDER**

U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation [Doc. 34] recommending that the Court: (1) grant Defendant's motion to withdraw her not guilty plea to a lesser included offense of Count One of the five count Indictment; (2) accept Defendant's guilty plea to a lesser included offense of Count One of the five count Indictment; (3) adjudicate Defendant guilty of conspiracy to distribute 40 grams or more of a mixture and substance containing a detectable amount of fentanyl in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) and 846; and (4) order that Defendant remain in custody pending sentencing or further order of this Court.

After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 34] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw her not guilty plea to a lesser included offense of Count One of the five count Indictment is **GRANTED**;
2. Defendant's plea of guilty to a lesser included offense of Count One of the five count Indictment is **ACCEPTED**;

3. Defendant is hereby **ADJUDGED** guilty of conspiracy to distribute 40 grams or more of a mixture and substance containing a detectable amount of fentanyl in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) and 846; and
4. Defendant **SHALL REMAIN** in custody until further order of this Court or sentencing in this matter which is scheduled to take place on **November 9, 2023, at 10:00 a.m.**

**SO ORDERED.**

/s/Charles E. Atchley, Jr.

**CHARLES E. ATCHLEY, JR.**

**UNITED STATES DISTRICT JUDGE**